



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KURT S. BROWNING
Secretary of State

January 31, 2012

Mr. Andy Schaller
9478 Rodeo Drive
Lake Worth, FL 33467

Via email attachment only

Dear Mr. Schaller:

I have been asked to respond to your email inquiry about whether the Division of Elections performs background checks on the eligibility of a candidate for County Commission. Candidates for County Commission qualify with their county supervisors of elections.

The Division of Elections, a county supervisor or elections, or any other qualifying officer in Florida performs a ministerial function in qualifying candidates. This means they take the qualifying paperwork at face value and have no authority to look beyond the paperwork; therefore, they do not perform background checks on candidates. Whether a candidate has a criminal record is left up to an opponent, the media, and/or the electorate to determine.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary J. Holland".

Gary J. Holland
Assistant General Counsel